

**From:** Ides, Nan  
**Sent:** Thursday, April 05, 2018 10:34 AM  
**To:** Bennett, James; Riccio, Roberta; Cohen, Amy; Duchovnay, Andrew  
**Subject:** FYI only - Mountaire permit approved EPA Mid-Atlantic Region Headlines - Thursday, April 5, 2018

## **Mountaire Farms gets state permit, denies causing well contamination**

**WILMINGTON NEWS JOURNAL** One week after Mountaire Farms was threatened with a federal lawsuit, the poultry company said it has been granted a state permit that will help solve at least one of the problems that led to dozens of wastewater-related violations since 2015. Last fall, state officials said Mountaire Farms had sprayed highly contaminated waste on hundreds of acres of farm fields near Millsboro, leading to high nitrate levels in on-site monitoring wells. Those violations have primarily been blamed on a failure at the plant's wastewater treatment facility. Last week, lawyers threatened a lawsuit and filed a notice stating that they believe the company has and continues to violate federal law by disposing contaminated waste on an already contaminated system, presenting an "imminent and substantial endangerment to health or the environment." Mountaire maintains that, despite problems with its wastewater treatment, recent waste-related violations are not the cause of the contamination found in private wells near its Millsboro-area chicken processing plant. "This condition has existed for decades – even before our arrival – not just within the past six months," the release said. The recently granted permit will allow Mountaire to retrofit and reopen a lagoon formerly used to store treated wastewater on its property along Del. 24 so that built-up solids can be cleaned out of existing lagoons. Those lagoons are one of the primary steps in treating waste produced by the plant's restrooms and from the slaughtering, packaging and processing of millions of chickens each month. An estimated 6,000 metric tons of sludge waste will be de-watered and temporarily stored on-site in the revived lagoon near Swan Creek, a tributary of the Indian River, and then hauled to an unidentified, permanent disposal location.

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**Subject:** EPA Mid-Atlantic Region Headlines - Thursday, April 5, 2018

## **EPA Mid-Atlantic Region Headlines** **Thursday, April 5, 2018**



## \*\*\* DAILY HOT LIST \*\*\*

### **Pruitt Takes Over Local Water Permit Calls in Bid for Uniformity**

**BNA DAILY ENVIRONMENT REPORT** EPA Administrator Scott Pruitt is now in charge of making decisions on water pollution permits, a job formerly left to the agency's regional chiefs. All decisions on whether waterways are protected by the Clean Water Act, or whether to approve the dredging or filling of a waterway, must now go through Pruitt's office, according to internal documents posted April 4 by a federal employee advocacy group. These types of decisions often come into play for construction projects that create lots of waste material, such as in construction, infrastructure, and some large mining operations. Pruitt outlined this change in a March 30 memo to the Environmental Protection Agency's Office of Water and to its regional offices, which was then posted online by the group Public Employees for Environmental Responsibility. The move is likely an attempt to standardize the agency's processes while it undergoes a major overhaul of Clean Water Act regulations, Don Parrish, head of regulatory relations for the American Farm Bureau Federation, said. Under Pruitt, the EPA is rewriting an Obama-era rule that redefined which waterways are covered by the landmark water pollution law. Many farmers had worried that the Obama rule would force them to start acquiring permits for small streams on their land.

"We have farmers in the countryside saying that there's EPA staff trying to apply the Obama rule even though it's under review and not in effect," Parrish told Bloomberg Environment. In his memo, Pruitt said that until his agency finishes the rewrite of the rule, often known as Waters of the United States, he will get the final say on whether a project requires a water pollution permit. The memo is meant to ensure that decisions on whether a body of water is covered by the Clean Water Act are "handled in a consistent and uniform manner, particularly during the [rewrite]," Liz Bowman, a spokeswoman for the agency, said. "Regions will absolutely be involved in the process," Bowman added in an email to Bloomberg Environment.

### **Virginia Becomes Latest State to Scrutinize Pruitt's Rule Changes**

**BNA DAILY ENVIRONMENT REPORT** Virginia is the latest to join a growing cadre of states attempting to fill the gap between the EPA's deregulatory efforts and local needs for environmental protection. Gov. Ralph Northam (D) ordered the state's Department of Environmental Quality to review federal environmental regulations and guidance issued under President Donald Trump. The order may lead to states establishing more stringent standards in the absence of federal regulations, John Bloom, principal at Meyers Nave Riback Silver & Wilson PLC in Oakland, Calif., told Bloomberg Environment. Virginia isn't the only state looking to fill the gap. A California waiver allows the state to set its own standards for vehicle emissions and fuel efficiency. It's unclear whether Environmental Protection Agency Administrator Scott Pruitt will move to revoke the waiver and bring the state under the federal standards. Other state attorneys general made a declaration April 3 challenging the EPA's deregulatory actions on vehicle emissions. The states include Connecticut, Maine, Maryland, and Massachusetts. Waters of the U.S. Virginia's recent comments on a federal rule indicate the state may address the differences between state and federal jurisdiction over water bodies. During the Trump administration, Virginia has weighed in on multiple federal regulations, including the 2015 Clean Water Rule, also known as waters of the U.S. rule. The Obama-era regulation defined the jurisdiction of the country's water quality law...

### **Hogan Calls On EPA To Maintain Obama-Era Emissions Targets**

**WBAL RADIO BALTIMORE** Gov. Larry Hogan is asking the Environmental Protection Agency to reverse course and leave Obama-era vehicle emissions targets in place. Hogan, a Republican, is also asking the EPA to allow states like Maryland to adopt stricter standards than the federal minimum. "Maryland has made significant progress in improving our air quality in recent years, and we are a leader in fighting the effects of climate change. That progress would be jeopardized by any weakening of vehicle emissions standards," Hogan said in a statement. "We strongly urge the EPA to drop their plans to weaken vehicle emissions standards, and we call on the agency to allow our state to continue to adopt strong standards to protect the air that Marylanders breathe." On Monday, regulators announced they would ease emissions standards for cars and trucks, saying that a timeline put in place by President Barack Obama was not appropriate and set standards "too high." The EPA said it completed a review that will affect vehicles for model years 2022-2025, but it did not specify details on new standards, which it said would be forthcoming. Current



regulations require new vehicles to get 36 miles per gallon in real-world driving by 2025, 10 mpg over the existing standard. Automakers applauded Monday's decision, arguing that the current requirements would have cost the industry billions of dollars and raised vehicle prices due to the cost of developing the necessary technology. Environmentalists, meanwhile, warned the proposed rollbacks will make U.S. cars more expensive to fill up. "Maryland is a recognized leader in fighting the effects of climate change, and the Hogan administration opposes efforts to weaken our forward progress on clean cars and a healthy environment," said Maryland Environment Secretary Ben Grumbles. "We will use the law and other tools to block rollbacks. EPA should be supporting state and regional actions to cut greenhouse gases and interstate smog." ...

## **William Penn Foundation Gives \$42M To Protect Delaware River Watershed**

**PHILADELPHIA INQUIRER** Philadelphia's William Penn Foundation says it is injecting an additional \$42 million into protecting the Delaware River watershed, an area encompassing thousands of square miles that provides drinking water and recreation to people in four states. The money, to be spent over three years, will bring the total to more than \$100 million the foundation has pledged to the Delaware River Watershed Initiative, which began in 2014. Janet Haas, chairwoman of the foundation, made the announcement Wednesday at Adventure Aquarium on the Camden waterfront. "When we led the creation of the Delaware River Watershed Initiative, our intent was to serve as a catalyst for accelerated watershed protection in our region," Haas said. "We wanted to build a framework that would harness the enormous capacity of conservation organizations to work together on a shared approach, and to see whether that critical mass could affect greater change." The initiative funds and coordinates efforts among 65 nonprofits working to protect the watershed, which covers all the land and waterways that ultimately funnel and filter rainwater into the Delaware River. The groups pool resources, provide scientific expertise, restore wetlands, buy land, and monitor water quality at 500 stations. The watershed provides drinking water for more than 15 million people in New York, New Jersey, Pennsylvania, and Delaware. The Lehigh, Brandywine, and Schuylkill rivers, along with other major waterways including the underground Kirkwood-Cohansey aquifer in South Jersey, all feed a watershed that totals 13,500 square miles. It includes some of the region's most stunning landscapes such as the Catskills, Poconos, Delaware Water Gap, and New Jersey Highlands and Pinelands. Its headwaters originate in southern New York and northeastern Pennsylvania. About half the pollution in the watershed, also referred to as the Delaware River Basin, is due to runoff from building sprawl, agricultural pesticides, and the reduction of forests and wetlands that act as buffers or filters. To address that, the initiative has helped purchase 19,604 acres and restore 8,331 acres. The initiative has also attracted \$73 million in matching grants and private donations. "We are among the largest private foundations making grants for freshwater conservation in the country," said Andrew Johnson, who manages the program for the foundation. "It's significant as a philanthropic effort and highly complementary to work being done by states and the federal government under the Clean Water Act." ...

## **Pa. court redefines some fracking as trespassing**

**PITTSBURGH POST-GAZETTE** For more than a century, Pennsylvania law has allowed drilling companies to sink a well and then drain oil and gas from a neighboring property without paying the neighbor. As early as the 1870s, Pennsylvania courts described oil's "fugitive and wandering existence" and established the legal idea that oil and gas in an underground reservoir belongs to whoever grabs it from his own land first. But a Pennsylvania appeals court upended that idea this week when it said that the legal theory known as the "rule of capture" does not apply to hydraulic fracturing in tight rock formations, like the Marcellus Shale, where gas doesn't flow freely or generally escape without great effort. The fractures that are created when high pressure fluid and sand are forced down a well can stretch as far as 3,000 feet from a well bore through the rock. When those fractures cross boundaries and draw gas from under a neighboring property, it amounts to a form of trespass — even when a well bore itself does not cross under neighboring land, the state Superior Court decided earlier this week. The decision is a departure from the common understanding that the rule of capture applies to the modern shale drilling era just as it did during decades of conventional oil and gas development. Ross Pifer, a Penn State University law professor, said the ruling is flawed but if it stands, "It could have a big impact." That impact could be both in increasing the negotiating power of small landowners for gas leases and in influencing how far away from property lines companies decide to drill wells...



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## **With President Trump in his corner, Scott Pruitt's job at EPA looks safe - - for now**

**USA TODAY** WASHINGTON — On Tuesday, the very day Scott Pruitt faced mounting calls for his firing over what critics call a cozy arrangement with a lobbyist, the EPA administrator was at agency headquarters with car dealers announcing the reversal of yet another Obama-era environmental regulation — this one targeting auto emissions. If Pruitt survives a wave of ethical lapses and keeps his job, it will be largely because he's ferociously spearheaded the Trump administration's deregulatory agenda. In the 14 months he's been the nation's top environmental rulemaker, the former Oklahoma attorney general who sued the EPA more than a dozen times has rolled back the Clean Power Plan, delayed the Waters of the U.S. rule, and helped convince the president to back out of the Paris Accord on climate change, among a number of changes. Lately, that's been overshadowed by revelations that Pruitt received a below-market rate for the use of a condo on Capitol Hill last year owned by the wife of an energy lobbyist, the most recent in a string of controversies embroiling the administrator. Unlike VA Secretary David Shulkin and Health and Human Services Secretary Tom Price, Trump cabinet members whose ethical baggage sent them packing, Pruitt has a robust resume of actions that have made him a favorite of Trump's, according to White House insiders. A climate change skeptic, Pruitt has tried to transform the culture of an agency that Trump savaged on the campaign trail. He is doing away with the "sue-and-settle" approach that he said improperly allowed the Obama administration to circumvent laws by rewriting regulations behind closed doors with friendly environmental groups who filed lawsuits. The EPA also rewrote membership rules for the agency's advisory boards, so that both industry advocates and academics from Midwestern and Mountain states — which Pruitt said were under-represented — have greater influence when counseling agency leaders on new rules. "Why go and replace someone who's doing a very good job (carrying out) the president's agenda," said Jason Miller, a former senior communications adviser to the Trump campaign and transition team. "It hasn't gone unnoticed that Administrator Pruitt is accomplishing a lot for the president and in a much quicker time period than anyone thought possible." Trump himself reached out to Pruitt Monday night, telling the EPA chief to "keep your head up ... keep fighting ... (and) we've got your back," according to an administration official who asked to remain anonymous because he was not authorized to speak on the record. And White House Chief of Staff John Kelly called Pruitt Tuesday morning "to reinforce the president's message," the official said....

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## **PENNSYLVANIA**



## **PHILADELPHIA INQUIRER**

William Penn Foundation Gives \$42M To Protect Delaware River Watershed Philadelphia's William Penn Foundation says it is injecting an additional \$42 million into protecting the Delaware River watershed, an area encompassing thousands of square miles that provides drinking water and recreation to people in four states. The money, to be spent over three years, will bring the total to more than \$100 million the foundation has pledged to the Delaware River Watershed Initiative, which began in 2014. Janet Haas, chairwoman of the foundation, made the announcement Wednesday at Adventure Aquarium on the Camden waterfront. "When we led the creation of the Delaware River Watershed Initiative, our intent was to serve as a catalyst for accelerated watershed protection in our region," Haas said. "We wanted to build a framework that would harness the enormous capacity of conservation organizations to work together on a shared approach, and to see whether that critical mass could affect greater change." The initiative funds and coordinates efforts among 65 nonprofits working to protect the watershed, which covers all the land and waterways that ultimately funnel and filter rainwater into the Delaware River. The groups pool resources, provide scientific expertise, restore wetlands, buy land, and monitor water quality at 500 stations. The watershed provides drinking water for more than 15 million people in New York, New Jersey, Pennsylvania, and Delaware. The Lehigh, Brandywine, and Schuylkill rivers, along with other major waterways including the underground Kirkwood-Cohansey aquifer in South Jersey, all feed a watershed that totals 13,500 square miles. It includes some of the region's most stunning landscapes such as the Catskills, Poconos, Delaware Water Gap, and New Jersey Highlands and Pinelands. Its headwaters originate in southern New York and northeastern Pennsylvania. About half the pollution in the watershed, also referred to as the Delaware River Basin, is due to runoff from building sprawl, agricultural pesticides, and the reduction of forests and wetlands that act as buffers or filters. To address that, the initiative has helped purchase 19,604 acres and restore 8,331 acres. The initiative has also attracted \$73 million in matching grants and private donations. "We are among the largest private foundations making grants for freshwater conservation in the country," said Andrew Johnson, who manages the program for the foundation. "It's significant as a philanthropic effort and highly complementary to work being done by states and the federal government under the Clean Water Act."...

The winter that wouldn't die: More snow threats this weekend, next week Computer models continue to vacillate, but the consensus is that a storm passing south of the region or perhaps closer to Philadelphia during the weekend could set off yet another round of rain and/or snow. "It's possible that portions of the coverage area could again see some snow with the system," the National Weather Service said in its Wednesday morning discussion. "The threat is certainly there," said Paul Walker, a senior meteorologist with AccuWeather. A piece of the dreaded polar vortex is due to maintain Canadian residency near the Hudson Bay through the weekend, and that would supply the cold air. Along with the precise path, among the issues yet to be resolved is timing, he said, but the latest guidance suggests that the bulk of the precipitation would fall during the day Saturday...

Tacony-Palmyra Bridge closed for hours after ship hits span The Tacony-Bridge was closed for about five hours overnight after a ship hit the span. No injuries were reported in the collision. The drawbridge was open for a southbound ship about 10:30 p.m. Wednesday when the vessel hit a fender protecting one of the bridge's stone piers. There is no word yet on the extent of any damage. CBS3 says high winds may have been a factor in the accident. The bridge reopened to traffic about 3:30 a.m. after inspectors gave the all-clear. The toll bridge between the South Jersey town of Palmyra and Northeast Philadelphia's Tacony neighborhood is operated by the Burlington County Bridge Commission.

## **PITTSBURGH POST-GAZETTE**

Pa. court redefines some fracking as trespassing For more than a century, Pennsylvania law has allowed drilling companies to sink a well and then drain oil and gas from a neighboring property without paying the neighbor. As early as the 1870s, Pennsylvania courts described oil's "fugitive and wandering existence" and established the legal idea that oil and gas in an underground reservoir belongs to whoever grabs it from his own land first. But a Pennsylvania appeals court upended that idea this week when it said that the legal theory known as the "rule of capture" does not apply to hydraulic fracturing in tight rock formations, like the Marcellus Shale, where gas doesn't flow freely or generally escape without great effort. The fractures that are created when high pressure fluid and sand are forced down a well can stretch as far as 3,000 feet from a well bore through the rock. When those fractures cross boundaries and draw gas from under a neighboring property, it amounts to a form of trespass — even when a well bore itself does not cross under neighboring land, the state Superior Court decided earlier this week. The decision is a departure from the common



understanding that the rule of capture applies to the modern shale drilling era just as it did during decades of conventional oil and gas development. Ross Pifer, a Penn State University law professor, said the ruling is flawed but if it stands, "It could have a big impact." That impact could be both in increasing the negotiating power of small landowners for gas leases and in influencing how far away from property lines companies decide to drill wells...

Editorial: Save these farmers: Local dairy producers deserve state aid and action The decline of manufacturing and the travails of blue-collar families have been much discussed since the 2016 presidential election, but too little attention has been paid to the chronic struggles of another group toiling in Middle America — farmers. At risk now are the livelihoods of 40 or so Pennsylvania dairy farmers soon to lose a buyer for their milk. Gov. Tom Wolf must jump on this problem with both feet and hustle to find one or more replacement buyers, even if that means offering the kinds of economic incentives the state normally offers to companies looking to put down stakes here. Like the coal and steel industries, agriculture is subject to the caprices of the market, including ...

Letter: Gov. Wolf's words on gas development ring hollow When Gov. Tom Wolf announced the extension of a partnership with West Virginia and Ohio to collaborate on efforts to maximize the region's natural gas resources, he said the agreement ensures "we are doing everything we can to support additional development." How can one take that seriously? Because on the other side of the state, he is supporting a ban on natural gas development in the Delaware River Basin. His desire to prohibit energy development in this basin and other anti-energy policies have become the hallmark of his administration. It is an insult to the thousands of Western Pennsylvanians like myself who work in this industry. We are part of a job-creating industry that is producing clean and low-cost energy for home heating, power generation and manufacturing. By continuing to advocate for a drilling ban in the Delaware River Basin, Mr. Wolf is not only blocking access to affordable energy but he's also depriving the state of much-needed tax revenue. Pennsylvania's abundant supply of natural gas gives us an inherent energy advantage. If we don't have leaders with courage and vision, Pennsylvania will not capitalize on this opportunity.

## **PITTSBURGH TRIBUNE REVIEW**

Greensburg Plans Nearly \$500,000 For Five Star Trail Improvements Greensburg officials are planning improvements at two intersections to make it easier for pedestrians and bicyclist to come and go on the Five Star Trail. The city has partnered with Westmoreland County to apply for a grant through the Southwestern Pennsylvania Commission. If awarded, the grant could cover up to 80 percent of the cost of the project, which is projected to be almost \$500,000. Most of this money would go toward building a new traffic signal and pedestrian crossing at the corner of Highland Avenue and Mt. Pleasant Street, which will make it safer for people to get to the walking and biking trail that intersects Mt. Pleasant Street, according to city Planning Director Barbara Ciampini. In addition to the new traffic signals the city plans to add pedestrian markings and signs pointing the way to the trail...

## **ALLENTOWN MORNING CALL**

Plastic Pellet Spill In Poconos Creating Extremely Challenging Cleanup In Stream Bright blue pellets pooled along the edge of Pocono Creek on Monday, days after and miles away from the site of a tractor-trailer crash that spilled thousands of tons of plastic into a nearby stream. Many of those pellets are on their way through the streams in eastern Pennsylvania, making their way through the Lehigh Valley and toward the Atlantic Ocean. Cleaning them up won't be easy — the pieces are small, the water is fast and the crash site is hard to reach. While conservation officials say the spilled pellets aren't toxic, environmentalists worry they could hurt wildlife and contribute to the widespread plastic pollution in the ocean. "It's easy to take a simplified approach and say 'it's not a hazardous chemical, it's not toxic waste,'" said Bob Heil, executive director of the Brodhead Watershed Association. "I agree with all that, but that doesn't mean it's not a physical hazard to aquatic life." Handfuls of the pellets sat on Heil's desk on Tuesday, a reminder of the plastic that escaped downstream. He collected the pieces during a Monday walk along a half-mile stretch of Pocono Creek, about four miles from the crash site. As he walked, Heil paused to take pictures and clean up the stark blue pieces, reflecting the magnitude of a truckload of plastic pollution releasing into eastern Pennsylvania waterways. "I admit that this is going to be extremely challenging," he said. Nearly 50 tons of the recycled plastic pellets, each smaller than a baby aspirin, were cargo in the trailer of a semi-truck traveling eastward Saturday in Monroe County. The driver, Edgar Chalarca, of Vero Beach, Fla., swerved right to avoid slowed traffic as he cruised along Interstate 80, according to a



state police report. He collided with a minivan, caused a chain reaction crash and swerved again, this time to the left through a guardrail and down a steep embankment, state police said...

PA Superior Court Opens Door To Trespass Claims Against Drilling Companies A Susquehanna County family can proceed with a lawsuit against an energy company that extracted natural gas from beneath their land using wells on an adjacent property, the state Superior Court ruled in a potentially precedent-setting decision. The ruling in the suit Adam Briggs and his two siblings filed against Southwestern Energy Production Co. is important because it negates a legal principle in oil and gas law that allows companies to siphon natural resources from beneath land they do not own without compensating the landowner. Briggs filed suit in 2015 against Southwestern relating to an 11-acre property he, his brother, Joshua Briggs, and his sister, Sarah Briggs, own in Harford Township. The suit alleges Southwestern operated two wells to extract natural gas from a Marcellus Shale formation under the Briggs' property since 2011. The Briggs were never compensated for the gas, however, because the wells are on a neighbor's land. Southwestern has a lease with the neighbor but not the Briggs family. A Susquehanna County judge dismissed the lawsuit in August, after finding Southwestern was not required to pay the Briggs family based on a legal principle known as the "rule of capture." The rule allows companies to drain a natural resource, including oil, gas or water, from beneath property they do not own as long as they do not trespass on the land...

### **DuBOIS COURIER-EXPRESS**

Elk County Approves Projects With Funding From Act 13 Drilling Fees RIDGWAY — The Elk County commissioners awarded \$50,000 in Act 13, Marcellus Shale impact fees, Tuesday to 12 different agencies across the county. Approved Act 13 projects include:

### **MY CHES CO.COM**

Ricoh Earns ENERGY STAR® Partner of the Year Award for 3rd Consecutive Year MALVERN, PA — For the third consecutive year, the U.S. Environmental Protection Agency (EPA) has recognized Ricoh with its prestigious ENERGY STAR Partner of the Year Award. Ricoh has also won the ENERGY STAR Sustained Excellence Award for continued leadership and superior contributions to the program. These latest accolades acknowledge Ricoh's hard work to foster environmental sustainability in its own operations and evangelize on behalf of sustainability to customers, Ricoh Family Group dealer partners and the larger business community. Ricoh's accomplishments will be recognized by the EPA and the U.S. Department of Energy at a ceremony in Washington, D.C., April 20. "At Ricoh, we pride ourselves on our core values: to care about our people, our profession, our society and our planet," said Donna Venable, Executive Vice President, Human Resources and Deputy General Manager, Shared Services, Ricoh Americas. "As we continue to strive toward Sustainable Development Goals, these newest levels of ENERGY STAR accolades are exciting – and humbling – proof points of our success and demonstrate the value we place on ENERGY STAR within our portfolio. We will continue to drive sustainability forward, empower digital workplaces and promote sustainable practices and products."...

### **LANCASTER NEWSPAPERS**

Concerns over diseased deer draw 250 from Lancaster, Berks and Lebanon counties to meeting An estimated 250 people worried about the newly discovered presence of Chronic Wasting Disease on a deer farm near Denver bombarded officials with questions Tuesday night at a public meeting at Middle Creek Wildlife Management Area. Pennsylvania Game Commission officials opened the refuge's visitors center early to accommodate the large crowd. It was the first opportunity for the general public to ask questions and find out more about CWD since two whitetail deer were found with the deadly disease from a private deer farm near Denver. To try to stop the disease from spreading into wild deer — if it hasn't already — the Game Commission created a quarantine zone around the deer farm in parts of Lancaster, Berks and Lebanon counties. It is now one of three CWD quarantine zones in the state. Hunters in the Chronic Wasting Disease Deer Management Area 4 now face restrictions such as not removing parts of deer hunted in the zone. The general public is barred from feeding deer...

What happens to all the paper, cans and plastic after you put out those green bins for recycling? Take a bow, Lancaster County. Residents and businesses never have recycled as much of their waste. And thanks to technological improvements and the global market, never have there been more opportunities to recycle. Think about it:



## **WILKES-BARRE CITIZENS VOICE**

Editorial: PA Should Emulate West Virginia And Gas Royalty Reform Pennsylvania's legislative majority long has stiffed the commonwealth, generally, by refusing to impose a fair extraction tax on the oil and gas industry. More remarkable is that, in the process of serving that narrow interest, majority Republicans also have stiffed thousands of rural landowners who often are their own constituents. In 2010 the state Supreme Court ruled that drillers could deduct post-production costs from their royalty payments to landowners who had awarded drilling leases to the companies. Those costs are related to processing and transporting the gas extracted from the wells. As a result, many landowners have received payments far below what they had anticipated and some have received bills to cover post-production costs, rather than royalty checks. The Supreme Court decision was based on a law passed in 1979, long before deep-drilling technology made possible the ongoing Marcellus Shale gas boom. After the decision, several legislators have introduced bills to ensure that landowners receive royalty payments of at least 12 percent regardless of post-production costs. But landowners have not contributed millions of dollars to legislative campaigns, as have drillers, so the post-production ripoff continues. Meanwhile, in West Virginia, the Legislature acted quickly there to protect lessors after that state's Supreme Court issued an opinion last year similar to the 2010 Pennsylvania ruling. In less than a year, the West Virginia Legislature passed a new law precluding drillers from deducting processing and transportation costs from royalty payments. As in Pennsylvania, the industry argued in West Virginia that the law would make it too expensive to drill there, and that drillers would move their operations elsewhere — forfeiting money they already have invested in new leases and forgoing entry into rapidly developing domestic and foreign markets for natural gas. Pennsylvania lawmakers should emulate their counterparts in West Virginia and ensure fair compensation for lessors. Apparently, drillers in Pennsylvania will not be able to abandon their investments here for greener pastures below the border.

## **ASSOCIATED PRESS (Pa.)**

FirstEnergy Generation Says Power Plants Will Stay Open During Bankruptcy AKRON, Ohio (AP) - Attorneys for FirstEnergy Solutions say the company's coal and nuclear power plants will keep producing electricity while the company undergoes reorganization under bankruptcy. The FirstEnergy Corp. subsidiary told a U.S. Bankruptcy Court judge in Akron that it should have enough money to remain operating and pay its employees during the reorganization. FirstEnergy Solutions said while filing for bankruptcy protection on Saturday that it faces billions of dollars in debt and increasing pressure from natural gas power plants. The company operates two nuclear plants in Ohio and one in Pennsylvania. It also has coal-fired power plants in both states. But FirstEnergy Solutions said Tuesday that the long-term future of the plants remains in question. Last week, the utility said it intends to shut down its nuclear plants within three years.

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# **WASHINGTON, D.C.**

## **WASHINGTON POST**

Top EPA ethics official says he lacked key facts about Pruitt's condo rental The Environmental Protection Agency's top ethics official said Wednesday that he lacked key facts when he concluded recently that Administrator Scott Pruitt's rental lease with a lobbyist last year did not violate any federal gift rules. Kevin Minoli, EPA's designated agency ethics official and principal deputy general counsel, had written in a March 30 memo that Pruitt's lease of a room in a Capitol Hill condo co-owned by health-care lobbyist Vicki Hart — for \$50 a night, charged only when he stayed there — did not constitute a gift because that rate for 30 consecutive days would have equated to a monthly rent of \$1,500. Minoli described that as "a reasonable market value." But in a new memo, first reported by CNN and obtained independently by The Washington Post, Minoli emphasized that he only evaluated the terms of the lease and not activities the document did not cover. The lease, for example, provided for the use of a single room. "All other space is controlled by the landlord," it stated. But several EPA officials have confirmed that Pruitt's adult daughter stayed in the condo apartment's second bedroom for a period when she was working at the White House last year. "Some have raised questions whether the actual use of the space was consistent with the terms of the lease," Minoli wrote. "Evaluating those questions would have required factual information that was not before us and the Review does not address those questions." He also clarified that he did not examine whether Pruitt's arrangement violated the impartiality rule, which would have prohibited the administrator from having any dealings with other employees at Vicki Hart's lobbying firm...



In an email Wednesday night, EPA spokeswoman Liz Bowman said that Minoli's most recent memo "reassures Friday's memo from EPA career ethics officials, who determined that the condo lease was lawful, based on market information for similar rentals on Capitol Hill." "There is no connection between decisions Administrator Pruitt has made at EPA and any place he has lived. Any attempt to draw that link is patently false," she added.

#### The Energy 202 Blog: Fox News disrupts Scott Pruitt's otherwise friendly conservative media tour

The EPA once had a leader even more scandal-plagued than Pruitt. Here's how he's different A brash new leader takes over the Environmental Protection Agency, pushing sharp budget cuts and a massive rollback of environmental rules. But before long, the administrator is mired in a wave of controversy and scandal. That's the story of EPA chief Scott Pruitt — but it is also the story of the late Anne Gorsuch Burford, who was the first EPA administrator under President Ronald Reagan. (She's also mother to Supreme Court Justice Neil M. Gorsuch.) The parallels between Pruitt and Gorsuch have been noted from the beginning — and they're growing in ways Pruitt is unlikely to enjoy. Granted, crucial differences remain: The Gorsuch-era scandals were certainly more sweeping than anything we've seen so far. And although Gorsuch ultimately lost the support of Congress and the president who appointed her, Pruitt, for now, seems to mostly maintain both. But Gorsuch and Pruitt are ideological outsiders who came to the agency looking to change it significantly, alienating career staff members and spurring controversy. Both were friends of industries angered by the EPA, and had opened doors to those industries once they were in office...

#### **USA TODAY**

With President Trump in his corner, Scott Pruitt's job at EPA looks safe -- for now WASHINGTON — On Tuesday, the very day Scott Pruitt faced mounting calls for his firing over what critics call a cozy arrangement with a lobbyist, the EPA administrator was at agency headquarters with car dealers announcing the reversal of yet another Obama-era environmental regulation — this one targeting auto emissions. If Pruitt survives a wave of ethical lapses and keeps his job, it will be largely because he's ferociously spearheaded the Trump administration's deregulatory agenda. In the 14 months he's been the nation's top environmental rulemaker, the former Oklahoma attorney general who sued the EPA more than a dozen times has rolled back the Clean Power Plan, delayed the Waters of the U.S. rule, and helped convince the president to back out of the Paris Accord on climate change, among a number of changes. Lately, that's been overshadowed by revelations that Pruitt received a below-market rate for the use of a condo on Capitol Hill last year owned by the wife of an energy lobbyist, the most recent in a string of controversies embroiling the administrator. Unlike VA Secretary David Shulkin and Health and Human Services Secretary Tom Price, Trump cabinet members whose ethical baggage sent them packing, Pruitt has a robust resume of actions that have made him a favorite of Trump's, according to White House insiders. A climate change skeptic, Pruitt has tried to transform the culture of an agency that Trump savaged on the campaign trail. He is doing away with the "sue-and-settle" approach that he said improperly allowed the Obama administration to circumvent laws by rewriting regulations behind closed doors with friendly environmental groups who filed lawsuits. The EPA also rewrote membership rules for the agency's advisory boards, so that both industry advocates and academics from Midwestern and Mountain states — which Pruitt said were under-represented — have greater influence when counseling agency leaders on new rules. "Why go and replace someone who's doing a very good job (carrying out) the president's agenda," said Jason Miller, a former senior communicators adviser to the Trump campaign and transition team. "It hasn't gone unnoticed that Administrator Pruitt is accomplishing a lot for the president and in a much quicker time period than anyone thought possible." Trump himself reached out to Pruitt Monday night, telling the EPA chief to "keep your head up ... keep fighting ... (and) we've got your back," according to an administration official who asked to remain anonymous because he was not authorized to speak on the record. And White House Chief of Staff John Kelly called Pruitt Tuesday morning "to reinforce the president's message." the official said....

#### **WASHINGTON TIMES**

EPA's Scott Pruitt says progress on Trump agenda at 'bastion of liberalism' behind attacks Embattled Environmental Protection Agency Administrator Scott Pruitt fired back at critics Wednesday and said controversies over his travel and living accommodations are being used as weapons to distract from the progress he has made implementing President Trump's agenda. "I think it's a focus of distraction. I think it's noise. It's been noisy and competitive since Day One, because this agency has been a bastion of liberalism since Day One," Mr. Pruitt told the "Mack On Politics" podcast at



The Washington Times. "As we are making progress there and also reducing the regulatory burden, it is infuriating to those that have dominated and controlled the agency for years," he said. "Focus on results. Keep your head down, stay focused, and I have to tell myself that today," he said. "We are getting things done, and that's what's driving these folks crazy, and I will tell you the truth, and the facts are on our side." Mr. Pruitt has come under increasing pressure to resign — including calls from two House Republicans this week — amid revelations that he rented a \$50-per-night condo room from the wife of a prominent oil industry lobbyist, and for his use of first-class flights and a private taxpayer-funded security detail for personal family vacations. He also has faced criticism for sidestepping the White House and pushing for raises for two top aides — though he denied knowing about those raises until news broke this week. The EPA chief appeared confident in his future during his interview with The Times, but White House press secretary Sarah Huckabee Sanders said Mr. Trump is not OK with Mr. Pruitt's reported condo deal and that the situation is being examined. "We're currently reviewing that here at the White House," she told reporters. "The president thinks he's done a good job, particularly on the deregulation front, but again, we take this seriously."...

## **FOX NEWS**

EPA's Scott Pruitt pushes back on pay raise, condo controversy in Fox exclusive Embattled Environmental Protection Agency Administrator Scott Pruitt fired back at critics Wednesday, defending his decision to take a \$50 a day condo rental from the wife of a lobbyist and claiming he just found out about a controversial pay raise for two of his staff members. "My staff and I found out about it yesterday and I changed it," Pruitt told Fox News in an exclusive wide-ranging interview. When pressed to provide specifics, Pruitt said he wasn't sure who would be held accountable or if the person who authorized the raise was a career EPA employee or a political appointee. "You don't know? You run the agency. You don't know who did it?" Fox News' Ed Henry asked. "I found out this yesterday and I corrected the action and we are in the process of finding out how it took place and correcting it," Pruitt responded, though he didn't say if anyone would be fired. In March, Pruitt approached the White House and asked for substantial pay raises for two of his closest aides, Sarah Greenwalt and Millan Hupp. Pruitt asked to bump Greenwalt's salary to \$164,200 from \$107,435 and Hupp's to \$114,590 from \$86,460. Since the employees were political appointees, the White House needed to sign off on it but refused. According to The Atlantic, someone at the EPA used a little-known provision in the Safe Drinking Water Act to skirt around the White House's decision and green light Greenwalt and Hupp's salary increases. "So, hang on. Both of these staffers who got these large pay raises are friends of yours. I believe from Oklahoma right?" Henry asked. Pruitt responded, "They are staffers here in the agency." "They are friends of yours," Henry said. "Well, they serve a very important purpose," Pruitt replied. "And you did not know that they got these large pay raises?" Henry pressed. Pruitt responded, "I did not know that they got pay raises until yesterday."...

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# **DELAWARE**

## **WILMINGTON NEWS JOURNAL**

Mountaire Farms gets state permit, denies causing well contamination One week after Mountaire Farms was threatened with a federal lawsuit, the poultry company said it has been granted a state permit that will help solve at least one of the problems that led to dozens of wastewater-related violations since 2015. Last fall, state officials said Mountaire Farms had sprayed highly contaminated waste on hundreds of acres of farm fields near Millsboro, leading to high nitrate levels in on-site monitoring wells. Those violations have primarily been blamed on a failure at the plant's wastewater treatment facility. Last week, lawyers threatened a lawsuit and filed a notice stating that they believe the company has and continues to violate federal law by disposing contaminated waste on an already contaminated system, presenting an "imminent and substantial endangerment to health or the environment." Mountaire maintains that, despite problems with its wastewater treatment, recent waste-related violations are not the cause of the contamination found in private wells near its Millsboro-area chicken processing plant. "This condition has existed for decades — even before our arrival — not just within the past six months," the release said. The recently granted permit will allow Mountaire to retrofit and reopen a lagoon formerly used to store treated wastewater on its property along Del. 24 so that built-up solids can be cleaned out of existing lagoons. Those lagoons are one of the primary steps in treating waste produced by the plant's restrooms and from the slaughtering, packaging and processing of millions of chickens each



month. An estimated 6,000 metric tons of sludge waste will be de-watered and temporarily stored on-site in the revived lagoon near Swan Creek, a tributary of the Indian River, and then hauled to an unidentified, permanent disposal location. The permit for that work was highly contested at a recent public hearing in Millsboro, where residents questioned whether company and state officials can assure no pollution makes its way into the groundwater or Swan Creek. The permit issued Thursday requires the company to self-report data and activities and store sludge for no longer than 2 years. The permit is valid through 2023. In previous interviews, Mountaire officials have been unable to say how long the sludge had built up in the existing lagoons, but said that buildup was the primary cause of a recent “upset” at the plant. That “upset” resulted in the company spraying contaminated wastewater on hundreds of acres of farm fields to the north and south of Del. 24.

Trash fire burning at landfill Several area fire companies extinguished a garbage fire at Waste Management on Marsh Lane in Minquadale early Wednesday evening. The wind-whipped fire, reported about 5:45 p.m., was declared under control about 8:15 p.m. at the landfill off U.S. 13 on Marsh Lane. Multiple tanker trucks were called to the scene adjacent to the New Castle County Cpl. Paul J. Sweeney Public Safety Building.

### **DELAWARE CAPE GAZETTE**

Houses proposed instead of campground on Lewes tract J.G. Townsend Jr. and Co., the developer that was denied an RV resort project near Lewes, has submitted new plans for a 247-unit subdivision for the same parcel. Included on the site plan before the Sussex County Planning and Zoning Commission are larger buffers than required to protect nearby wetlands. The proposed cluster subdivision – in an environmentally sensitive developing district overlay zone – would be located on 201 acres on the south side of Ward Road and Cedar Grove Road near Lewes. With a name change from The Grove at Love Creek to Fieldstone, the parcel is zoned AR-1, agricultural-residential, and GR-1, general-residential. Sussex County Council nixed the application for the RV campground four years ago. Gene Bayard, the developer's attorney, said council members said GR zoning is reserved for housing. “It's a different day, and that's why we are here,” he said. The parcel is bordered by Love Creek, Hetty Fisher Glade and Welches Pond. Ring Lardner, the developers' engineer, said 100-foot forested buffers would protect all tidal and nontidal wetlands and Welches Pond. The buffers are double the size required by Sussex County code. “The developer will mitigate any environmental impacts,” Lardner said...

### **DELAWARE PUBLIC MEDIA (NPR)**

Environmental groups receive funding to restore Northern Delaware water quality Six organizations in the Brandywine-Christina watershed of the Delaware River received \$2.8 million in funding from the William Penn Foundation to target land preservation and management practices that could improve the water quality of the Delaware River. The Brandywine-Christina Watershed is a tributary of the Delaware River. Nongovernmental organizations and environmental groups will use the funding to work with farmers to minimize runoff from their land that threatens the drinking water supply of about 340,000 people in Northern Delaware. They'll also plant forest along 10 miles of stream to absorb nutrients from runoff. Gerald Kauffman, the director of University of Delaware's Water Resources Center, said it's essential to improve water quality in the Delaware River Watershed because it's the only source of drinking water for Northern Delaware residents and the foundation of Northern Delaware's economy. “There's more people in Northern Delaware that drink the water from the Brandywine than there are up in Pennsylvania where 90 percent of the watershed originates,” Kauffman said. Besides runoff, nearby intruding development also threatens the watershed, said David Shields, the associate director of land conservation with the Brandywine Conservancy of Chadds Ford, Pennsylvania. “We're blessed with a lot of open farmland, forest and natural lands. The conversion of those lands to developed lands leading to increased impervious coverage is a big problem,” Shields said. One area the groups will focus on preserving is the Brandywine Headwaters – predominantly in Honey Brook Township, Pennsylvania. “That's a farming community where we're working directly with landowners to preserve their farms through agricultural easements but also working directly to make farmers better stewards of the land,” Shields said. The conservancy recently took part in planting 35,000 trees along 22 miles of streams, preserving 19 farms in the watershed over the last four years. They've been working on restoring water quality in the watershed with Brandywine Red Clay Alliance, Stroud Water Research Center, The Nature Conservancy of Delaware, Natural Lands and the University of Delaware Water Resources Center...

A sign of spring: Ospreys nesting in Inland Bays Staff at the Delaware Center for the Inland Bays say ospreys are back in



the bays this spring The center's Outreach and Education Coordinator Amy Barra says staff have noticed scattered fish parts at the James Farm Ecological Preserve in Ocean View last month — a sure sign that ospreys are back in the bays and have found enough food to support themselves. Staff also spotted a pair of osprey nesting by the Indian River Inlet Bridge and carrying fish through the air. "It's telling us there is food to support their breeding pairs here and we definitely have seen these birds come back from the brink," Barra said. Once ospreys migrate to the Inland Bays, they tend to seek out a mate, Barra said. "If they're not already paired up, they're going to be looking for mates and then doing any repairs or building to nest and then a lot of hunting right now, then they should be getting [ready] to lay their clutch of eggs," Barra said. The use of a pesticide called DDT caused the osprey population to crash in the 1950s and 1960s. Ever since the pesticide was banned in 1972, the bird has been making a comeback. According to the Center for the Inland Bays 2016 State of the Bays report, scientists counted 92 active osprey nests in 2014. In 1990, there were about 40.

Tags:

### **MIDDLETOWN TRANSCRIPT**

DNREC seeking Delaware students for 2018 Young Environmentalist Awards The Delaware Department of Natural Resources and Environmental Control is encouraging teachers, classmates, parents, club or group leaders and others to nominate students for the 2018 Young Environmentalist of the Year Awards. Nominations must be based on actions or projects that have taken place between July 1, 2017, and June 30, 2018. Nominations will be accepted through June 22. A winner will be chosen from three categories: elementary, for first through fourth grades;...

### **DELAWARE STATE NEWS**

Striped bass activity is increasing in our area Over the last few days striped bass have been moving up the Delaware Bay into the Delaware River. These are most likely resident fish, but they are females full of eggs, and big. No one has seen any sea lice on them, which is a good sign to identify ocean striped bass. The Nanticoke River is seeing the same activity, with spawning females heading up river from the Chesapeake Bay. The bass in the Chesapeake Bay are moving into areas to spawn. The fun yet annoying part of migratory fish is figuring out when they are going to show up and if they will come close to the coastline. Right now fish are moving into the Delaware Bay and I would start looking under those schools of bunker in front of the beaches that the gannets keep diving on. A nice overcast sky is perfect...

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## **WEST VIRGINIA**

### **CHARLESTON GAZETTE-MAIL**

Editorial: With self-serving Pruitt at EPA, Trump is building a swamp Donald Trump campaign crowds loved to chant, "Drain the swamp!" But if ever there was a political swamp creature, it's Scott Pruitt, the man Trump picked to head the U.S. Environmental Protection Agency. Pruitt has been in the news most recently for his cozy relationship with the lobbyist for a Canadian pipeline company. The company, Enbridge Inc., received a high recommendation from Pruitt's EPA for an oil pipeline expansion project. Enbridge's lobbyist was the firm of Williams & Jensen. The wife of the firm's chairman owns a pricey condominium in Washington, D.C., and was letting Pruitt live there for \$50 a night, sometimes joined by his daughter, and Pruitt only had to pay for the nights he stayed there. That is an unbelievably sweet deal, and while there's no direct evidence of a mutual back-scratching, it sure looks that way. On some level, this is no surprise. Pruitt has been a shill for fossil fuel industries since his days as attorney general in Oklahoma, so maybe he saw this as his just desserts. But of all the Trump administration flunkies who have used taxpayer money for their personal benefit, Pruitt may be the worst.

\* During his first year in office, Pruitt took first-class, charter and military flights that cost taxpayers \$163,000, according to EPA records provided to the U.S. House Oversight Committee. Pruitt and a group of aides also socked taxpayers with a \$90,000 bill for a trip to Italy that included a trip to visit the pope.

\* Pruitt was flying first-class because of public confrontations that involved "vulgar" and "threatening language," according to The Washington Post. Pruitt is clearly very worried about his security; he has tripled the size of his security



detail, and is the first EPA administration to have 24/7 security — again, at taxpayer expense. That security detail includes some EPA agents who would otherwise be investigating environmental crimes, rather than protecting their snowflake boss. (Pruitt's predecessors, Gina McCarthy and Lisa Jackson — who were demonized repeatedly by West Virginia politicians, among others — flew coach, with a much smaller security presence.)

\* Maybe Pruitt is just paranoid in general. In September, he had the EPA spend \$25,000 — all together now, in taxpayer money — to build a soundproof communications booth in his office. He's asked employees not to bring their mobile phones to meetings with him, and he reportedly prefers not to use email — no doubt because emails from his time as Oklahoma attorney general show how much he cozied up to oil and gas producers.

There are many reasons why Scott Pruitt shouldn't be leading the EPA, primarily that he doesn't seem to believe in science and is more interested in helping big business than, you know, protecting the environment. But his obvious belief that taxpayer money and resources are given to him for his personal benefit is a big reason, as well

### **WEST VIRGINIA METRO NEWS**

Blankenship releases statement ahead of UBB anniversary CHARLESTON, W.Va. — A day before the eighth anniversary of the Upper Big Branch mine explosion, former Massey Energy CEO Don Blankenship released a statement attacking U.S. Sen. Joe Manchin, D-W.Va., and the Mine Safety and Health Administration for their alleged actions following the disaster. MSHA said in a December 2011 report the explosion was the result of Massey Energy and subsidiary Performance Coal Co. disregarding safety concerns and pushing production over miner safety. Blankenship was found guilty on a misdemeanor charge of conspiring to violate federal mine safety standards. He was released on probation last May, and remains on probation until May 9. Blankenship, who is also a Republican candidate for Senate, has funded video advertisements calling the investigation a cover-up. In a statement Wednesday, Blankenship said natural gas found in the mine was not coal bed methane, and the reduction in airflow was because of MSHA regulations...

### **FARM AND DAIRY.COM**

West Virginia authorizes use of M-44 device for coyote control ELKINS, W.Va. — The United States Department of Agriculture, Wildlife Services is once again able to utilize M-44 devices in its Integrated Predator Management Program in West Virginia. This program, commonly known as the "coyote control program," was first implemented to protect West Virginia's sheep and goat producers from devastating losses inflicted upon their herds and flocks by coyote depredations. Under this program, livestock losses on participating farms dropped to 1.6 head per year in 2007, compared to a high of 28 head per farm in 1995 before the program started...

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## **MARYLAND**

### **WBAL- RADIO BALTIMORE**

Hogan Calls On EPA To Maintain Obama-Era Emissions Targets Gov. Larry Hogan is asking the Environmental Protection Agency to reverse course and leave Obama-era vehicle emissions targets in place. Hogan, a Republican, is also asking the EPA to allow states like Maryland to adopt stricter standards than the federal minimum. "Maryland has made significant progress in improving our air quality in recent years, and we are a leader in fighting the effects of climate change. That progress would be jeopardized by any weakening of vehicle emissions standards," Hogan said in a statement. "We strongly urge the EPA to drop their plans to weaken vehicle emissions standards, and we call on the agency to allow our state to continue to adopt strong standards to protect the air that Marylanders breathe." On Monday, regulators announced they would ease emissions standards for cars and trucks, saying that a timeline put in place by President Barack Obama was not appropriate and set standards "too high." The EPA said it completed a review that will affect vehicles for model years 2022-2025, but it did not specify details on new standards, which it said would be forthcoming. Current regulations require new vehicles to get 36 miles per gallon in real-world driving by 2025, 10 mpg over the existing standard. Automakers applauded Monday's decision, arguing that the current requirements would have cost the industry billions of dollars and raised vehicle prices due to the cost of developing the necessary technology. Environmentalists, meanwhile, warned the proposed rollbacks will make U.S. cars more expensive to fill up. "Maryland is a recognized leader in fighting the effects of climate change, and the Hogan administration opposes efforts



to weaken our forward progress on clean cars and a healthy environment,” said Maryland Environment Secretary Ben Grumbles. “We will use the law and other tools to block rollbacks. EPA should be supporting state and regional actions to cut greenhouse gases and interstate smog.”...

### **ANNAPOLIS CAPITAL GAZETTE**

Commentary: State spending should support interests of all Politics and government begin and end with money. So, in representing District 30A in the Maryland House of Delegates, I want to make sure that money the state of Maryland spends supports the best interests of all voters and nonvoters, and not just the narrow interests of a few. I am running for office to promote jobs and equal opportunities, while at the same time guarding the good health of everyone by improving and protecting the environment. Extremes of single-issue crusades are unlikely to work to the advantage of all... So far, it looks as if the \$73 million allocated to fund the Chesapeake Bay cleanup program will remain this year. In the tomorrows to come, however, given an enormous national debt that is becoming ever more urgent, Maryland will need to pay for critical programs at the state level if federal funding is cut. Continuing the funding for these programs will directly affect our daily lives and the generations after us. The next big opportunity for voters to influence how the government spends the money they give begins with the primary elections coming up on June 26. Early voting begins June 14. I hope to see you at the polls.

### **CHESAPEAKE BAY JOURNAL**

Managed grazing cultivates new believers among watershed farmers A Maryland dairyman felt like a lone wolf when he started down the decade-long path to nourishing his animals and his land differently. A Virginia cattleman said his neighbors laughed at him, and a Pennsylvania rancher agreed. No other farmer they knew was using grazing techniques this way. “Now,” said Mike Phillips, a farmer in Rockingham County, VA, “the ones who laughed are asking how we’re doing it.” Phillips was at a Regional Grazing Conference in Maryland early this year, where 170 farmers and landowners from across the Chesapeake Bay region gathered to learn about growing grasses, crops and livestock in a way that benefits the soil as much as their bottom lines.

### **EASTON STAR DEMOCRAT**

ShoreRivers seeks volunteers for Project Clean Stream April 7 EASTON — As spring rains fill roadside ditches and flow into streams, they wash trash and debris into waterways. Project Clean Stream, which will take place Saturday, April 7, once again will address this problem by organizing thousands of volunteers throughout the Chesapeake Bay watershed. ShoreRivers, partnering with the program’s main sponsor, the Alliance for the Chesapeake Bay, is matching volunteers with cleanup sites across the Eastern Shore, including locations in Caroline, Dorchester, Kent, Queen Anne’s and Talbot counties.

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## **VIRGINIA**

### **ROANOKE TIMES**

Northam orders upgrade of DEQ amid criticism from pipeline opponents LEXINGTON — Gov. Ralph Northam moved Wednesday to strengthen a state agency dealing with the construction of two natural gas pipelines, a cleanup of the Chesapeake Bay and other environmental challenges. In his sixth executive order since taking office in January, Northam called for a “revitalization” of the Virginia Department of Environmental Quality. The initiative is threefold: updating and better enforcing existing regulations, guarding against the rollback of environmental protections under President Donald Trump, and improving transparency at a time when DEQ has come under withering criticism from pipeline opponents. “The environment belongs to all of us,” Northam said in announcing the executive order during remarks at an environmental symposium. “It is our birthright.” Over the past decade, DEQ has seen its staff slashed by 30 percent and about \$60 million in budget cuts. Northam pledged to increase state funding for conservation programs and agencies to at least 2 percent of the general fund; the current level is 0.6 percent. “DEQ has protected our air, water and land for 25 years, and we must ensure that the agency has the resources it needs to continue to protect our natural resources from pollution,” Northam said. The order requires DEQ, in consultation with the secretary of natural resources, to review the



agency's permitting, monitoring and enforcement activities and submit a report to the governor with recommendations by April 30, 2019. Among other things, the review will examine how effective state standards are in protecting public health and the environment, look for gaps in monitoring and delays in permitting programs, and develop an enforcement plan with the state attorney general...

### **ALEXANDRIA NEWS**

Governor Signs Executive Order To Enhance Protection Of Virginia's Air, Water, Public Health Governor Ralph Northam today signed Executive Order 6, which instructs the Department of Environmental Quality to update outdated regulations, strengthen enforcement of Virginia's environmental standards, identify the causes of permitting delays, and improve transparency. "I am proud to take executive action to safeguard Virginia's environment and improve the quality of life of all Virginians," said Governor Northam. "DEQ has protected our air, water, and land for 25 years, and we must ensure that the agency has the resources it needs to continue to protect our natural resources from pollution. This executive order will strengthen DEQ and give the public servants who work there greater ability to protect public health and our natural resources while empowering Virginia's good corporate stewards and promoting a vibrant economy." The order requires DEQ, in consultation with the Secretary of Natural Resources, to perform a comprehensive review of DEQ's permitting, monitoring, and enforcement activities across all program areas and provide a full report to Governor Northam by April 30, 2019. The executive action also requires DEQ to ensure that any proposed federal actions do not affect DEQ's existing authority to protect public health, drinking water supplies, and the environment. "After making progress in many areas during DEQ's first 25 years, it is very timely to ensure that DEQ has the authority, programs and resources it needs to address all of the challenges facing Virginia's natural resources today and in the future," said Bill Street, CEO of the James River Association. "Governor Northam has committed to making the environment a top tier priority, and the James River Association supports him in undertaking this important assessment to ensure the future of Virginia's air, water and land resources."...

### **WSET-TV LYNCHBURG/ROANOKE**

Gov. Northam signs executive order to 'protect Va.'s air, water, and public health LYNCHBURG, Va. (WSET) -- Governor Ralph Northam has signed an executive order, which instructs the Department of Environmental Quality to update outdated regulations, strengthen enforcement of Virginia's environmental standards, identify the causes of permitting delays, and improve transparency. "I am proud to take executive action to safeguard Virginia's environment and improve the quality of life of all Virginians," said Governor Northam. "DEQ has protected our air, water, and land for 25 years, and we must ensure that the agency has the resources it needs to continue to protect our natural resources from pollution. This executive order will strengthen DEQ and give the public servants who work there greater ability to protect public health and our natural resources while empowering Virginia's good corporate stewards and promoting a vibrant economy." The order requires DEQ to perform a comprehensive review of DEQ's permitting, monitoring, and enforcement across all program areas and provide a full report to the governor by April 30, 2019. It also requires DEQ to ensure that any proposed federal actions do not affect DEQ's existing authority to protect public health, drinking water supplies, and the environment. "After making progress in many areas during DEQ's first 25 years, it is very timely to ensure that DEQ has the authority, programs and resources it needs to address all of the challenges facing Virginia's natural resources today and in the future," said Bill Street, CEO of the James River Association. "Governor Northam has committed to making the environment a top-tier priority, and the James River Association supports him in undertaking this important assessment to ensure the future of Virginia's air, water, and land resources."...

### **CBS 19 CHARLOTTESVILLE**

DEQ ordered to update regulations, improve transparency RICHMOND, Va. (CBS19 NEWS) -- The Virginia Department of Environmental Quality is being told to update its outdated regulations, strengthen enforcement of environmental standards, identify the causes of permitting delays, and improve transparency. Governor Ralph Northam signed an executive order that effect on Wednesday. "I am proud to take executive action to safeguard Virginia's environment and improve the quality of life for all Virginians," he said. "DEQ has protected our air, water and land for 25 years, and we must ensure that the agency has the resources it needs to continue to protect our natural resources from pollution." The DEQ is ordered to consult with the Secretary of Natural Resources in order to perform a review of its permitting, monitoring and enforcement activities across all of its programs. The executive order also requires the DEQ to ensure



any proposed federal actions do not affect its existing authority to protect public health, drinking water supplies and the environment. In the last decade, the DEQ's staff has been cut by 30 percent and its budget has been cut by nearly \$60 million.

### **SOUTHWEST VIRGINIA TODAY**

Saltville outdoor recreation site project moves forward The Saltville Outdoor Destination Recreation Project is off to a good start with various state agencies and local citizens collaborating on a management plan. Members of the state agencies gathered in Saltville last month to discuss the project that is designed to create a recreation area at the former town shop site in the well-fields area. A drone was used in early March to map the site and surrounding area. "We requested them to come to put together a three- to five-year plan for the project," said Saltville Mayor Todd Young, "to get it off the ground and running. It went really well. People are receptive and there was a lot of good discussion."... "The work going on in Saltville started with an Environmental Protection Agency brownfields grant awarded to the Virginia Tech Community Design Assistance Center," Maiden said. "This grant has led to a collaborative effort between the town and many stakeholders, intended to help breathe new life in to a community that is still recovering from decades of lost industrial jobs."

### **ASSOCIATED PRESS (Va.)**

Governor Northam Calls for Review of Environmental Regulations RICHMOND, Va. (AP) - Gov. Ralph Northam has signed an executive order directing Virginia's Department of Environmental Quality to review its operations and evaluate changes in federal environmental regulations since President Donald Trump took office. Northam's order, announced Wednesday, requires the department to provide a report on its findings by April 30, 2019. The governor says the order will enhance protection of Virginia's natural resources and public health and ensure the department has all it needs to do its job. A press release announcing the order included statements of support from several environmental groups, the Virginia Chamber of Commerce and the American Lung Association. Some critics of the department say it's too cozy with industry, and opponents of two proposed natural gas pipelines contend DEQ hasn't been thorough or transparent in its review process.

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## **MISCELLANEOUS**

### **BNA DAILY ENVIRONMENT REPORT**

Pruitt Takes Over Local Water Permit Calls in Bid for Uniformity EPA Administrator Scott Pruitt is now in charge of making decisions on water pollution permits, a job formerly left to the agency's regional chiefs. All decisions on whether waterways are protected by the Clean Water Act, or whether to approve the dredging or filling of a waterway, must now go through Pruitt's office, according to internal documents posted April 4 by a federal employee advocacy group. These types of decisions often come into play for construction projects that create lots of waste material, such as in construction, infrastructure, and some large mining operations. Pruitt outlined this change in a March 30 memo to the Environmental Protection Agency's Office of Water and to its regional offices, which was then posted online by the group Public Employees for Environmental Responsibility. The move is likely an attempt to standardize the agency's processes while it undergoes a major overhaul of Clean Water Act regulations, Don Parrish, head of regulatory relations for the American Farm Bureau Federation, said. Under Pruitt, the EPA is rewriting an Obama-era rule that redefined which waterways are covered by the landmark water pollution law. Many farmers had worried that the Obama rule would force them to start acquiring permits for small streams on their land.

"We have farmers in the countryside saying that there's EPA staff trying to apply the Obama rule even though it's under review and not in effect," Parrish told Bloomberg Environment. In his memo, Pruitt said that until his agency finishes the rewrite of the rule, often known as Waters of the United States, he will get the final say on whether a project requires a water pollution permit. The memo is meant to ensure that decisions on whether a body of water is covered by the Clean Water Act are "handled in a consistent and uniform manner, particularly during the [rewrite]," Liz Bowman, a spokeswoman for the agency, said. "Regions will absolutely be involved in the process," Boirginia is the latest to join a



growing cadre of states attempting to fill the gap between the EPA's deregulatory efforts and local needs for environmental protection. wman added in an email to Bloomberg Environment.

EPA Water Permitting Decisions Now Flow Through Pruitt (1) EPA Administrator Scott Pruitt has wrested authority over water pollution permitting decisions from the agency's regional offices, according to internal documents posted April 4 by a federal employee advocacy group.

Virginia Becomes Latest State to Scrutinize Pruitt's Rule Changes Virginia is the latest to join a growing cadre of states attempting to fill the gap between the EPA's deregulatory efforts and local needs for environmental protection. Gov. Ralph Northam (D) ordered the state's Department of Environmental Quality to review federal environmental regulations and guidance issued under President Donald Trump. The order may lead to states establishing more stringent standards in the absence of federal regulations, John Bloom, principal at Meyers Nave Riback Silver & Wilson PLC in Oakland, Calif., told Bloomberg Environment. Virginia isn't the only state looking to fill the gap. A California waiver allows the state to set its own standards for vehicle emissions and fuel efficiency. It's unclear whether Environmental Protection Agency Administrator Scott Pruitt will move to revoke the waiver and bring the state under the federal standards. Other state attorneys general made a declaration April 3 challenging the EPA's deregulatory actions on vehicle emissions. The states include Connecticut, Maine, Maryland, and Massachusetts. Waters of the U.S. Virginia's recent comments on a federal rule indicate the state may address the differences between state and federal jurisdiction over water bodies. During the Trump administration, Virginia has weighed in on multiple federal regulations, including the 2015 Clean Water Rule, also known as waters of the U.S. rule. The Obama-era regulation defined the jurisdiction of the country's water quality law...

EPA May Disregard Chemical Exposures From Risk Reviews The EPA could ignore ways people are exposed to chemicals under a pending policy that would shape agency safety reviews. The policy—nearing final internal review—is expected to be incorporated into risk analysis plans for 10 chemicals the Environmental Protection Agency plans to release April 20, according to current and former agency staff. The risk analyses are mandated by the 2016 amendments to the Toxic Substances Control Act (TSCA). The agency is evaluating the potential health and environmental effects of exposures to 10 chemicals: asbestos, pigment violet 29, seven solvents, and a cluster of flame retardants. The EPA's rationale presumes that people and the environment would be adequately protected from risk if exposed to a chemical that already is regulated under another statute that the agency administers, according to an example of the policy's application obtained by Bloomberg Environment...

EPA Weighs Chemical Policy That May Backfire on Industry: Critics A proposed chemical policy to allow the EPA to narrow its chemical safety reviews could backfire and hurt chemical makers that the Trump administration intends to help, a former agency official told Bloomberg Environment. But a supporter of the policy disagreed, saying it would reduce redundant regulations. The Environmental Protection Agency plans to omit from some chemical safety reviews ways people could be exposed that “fall under the purview of other EPA-administered statutes,” the agency said in a draft document obtained by Bloomberg Environment. The document would implement the pending policy for one of 10 chemicals the EPA is evaluating.

Dominion Energy's Costs Limited Under Carbon Plan, Analyst Says (1) Dominion Energy Inc. is not likely to face significant new compliance costs if Virginia, as expected, links with the Northeast's carbon trading program, according to Bloomberg Intelligence.

Kids' Flame Retardant Exposure Drops Following Phaseout Children's blood levels of a once widely used furniture flame retardant have dropped since that chemical was phased out of production in 2004, researchers found.

EPA Chief in Fox Grilling Denies Knowing Who Raised Aides' Pay Environmental Protection Agency Administrator Scott Pruitt said in a heated interview with Fox News that he doesn't know who at the agency raised the pay of two aides in defiance of the White House—the latest controversy to engulf him.



White House 'Reviewing' Pruitt's Rent Arrangement The White House is reviewing EPA Administrator Scott Pruitt's arrangement to rent a condo from the wife of a prominent energy lobbyist, Press Secretary Sarah Huckabee Sanders said.

EPA Waiving of Biofuel Quotas Spurs Rebuke from Ethanol Backers The EPA has given more than two dozen small refiners permission to ignore the nation's renewable fuel mandate, angering competitors as well as farm-state lawmakers who say the exceptions undermine the program.

## **GREENWIRE**

Air Pollution: Judge gives EPA until 2021 to complete past-due reviews A federal judge is giving U.S. EPA until October 2021 to complete past-due reviews of air toxics standards for nine industrial sectors — more time than environmental groups had wanted but considerably less than the agency said it needed. EPA must "comply with its statutory obligations as expeditiously as possible," U.S. District Judge Ketanji Brown Jackson of the District of Columbia wrote in an opinion issued this weekend. But while EPA officials had sought as much as seven years to finish all nine "risk and technology reviews," the two-year maximum deadline sought by the Sierra Club and other plaintiffs was "extremely compressed," Jackson added in splitting the difference between the two sides...

Coal: Murray Energy says it's not going bust despite pleas for help Murray Energy Corp. will not be following a major customer into bankruptcy, maintaining that increased coal exports alleviated previous threats to the contrary. The private coal giant "has no plans to file for bankruptcy protection," spokesman Gary Broadbent said in an email after FirstEnergy Solutions Corp., a subsidiary of utility FirstEnergy Corp., sought federal Chapter 11 protections last week. Murray Energy CEO Robert Murray, a champion of President Trump, warned the White House last year that without emergency executive action to save FirstEnergy, Murray Energy would be forced into "immediate bankruptcy."...

EPA: Pruitt spread special hires throughout agency U.S. EPA Administrator Scott Pruitt used a unique hiring authority to bring on several political staffers, including top deputies in programs across the agency. Documents obtained by E&E News under the Freedom of Information Act detail "administratively determined" hires under the Safe Drinking Water Act, showing that at one point last year, at least 20 officials were brought on under the hiring provision. Several deputy assistant administrators — top political officials for EPA programs — like Nancy Beck, Patrick Davis, Dennis Lee Forsgren and Richard Yamada were listed once as administratively determined hires. Other close advisers to Pruitt were also in that category, including several associates and former aides of his when Pruitt was Oklahoma attorney general like Lincoln Ferguson, Millan Hupp, Sarah Greenwalt and Kenneth Wagner, according to records...

Great lakes: Mussel madness: They came, they conquered, they calmed down Some of the Great Lakes are full of as many invasive mussels as their ecosystems can handle, researchers say, but that's not entirely bad news. If the trillions of mussels have reached this point, that typically means they've leveled off from their peak numbers, said Ashley Elgin, a research benthic ecologist for NOAA's Great Lakes Environmental Research Laboratory. That's a silver lining for lakes Erie, Ontario and Michigan. When populations boom, they tend to go over the maximum number the habitat can support before settling down to a level the environment can sustain indefinitely: the carrying capacity. A species' carrying capacity is determined by the area's habitat, food, water and other necessary resources. Now that the mussels have reached carrying capacity, that could provide some stability for the lakes, Elgin said...

Biofuels: EPA draws fire for waiving refiner's RFS mandate U.S. EPA could land in court over its decision to waive the federal biofuel mandate for one of the nation's biggest refiners, an ethanol trade group said. The American Coalition for Ethanol said EPA's waiver for three refineries owned by Andeavor runs afoul of the renewable fuel standard, which allows such waivers for small refiners that show the fuel-blending mandate would cause financial hardship. "Waiving RFS obligations based on ethanol use thresholds violates the intent of the RFS and invites litigation," said Brian Jennings, the ethanol group's CEO. The coalition was among several pro-ethanol groups that criticized EPA's move, first reported yesterday by Reuters...

EPA: Pruitt faces fresh questions from Senate, House U.S. EPA Administrator Scott Pruitt is facing new questions about his travel and spending on both sides of Capitol Hill. While the House Energy and Commerce Committee is broadly



seeking information about a series of recent ethics controversies, a Senate Democrat is zeroing in on the administrator's recent trip to Morocco to push exports of domestic gas. Dan Schneider, an Energy and Commerce spokesman, said the committee has been in touch with EPA regarding recent ethics flaps but did not say specifically what information the panel is seeking or whether the EPA chief still has the backing of E&C Chairman Greg Walden (R-Ore.). Pruitt is scheduled to appear before the committee at an oversight hearing already set for April 26.

Startup takes on Elon Musk in hyperloop race A Canadian startup is taking on Elon Musk in the race to build a high-speed transit system called a hyperloop. Toronto-based TransPod Inc. is seeking to raise \$50 million for its unique version of the hyperloop in central France. By next year, the company hopes to construct a prototype that would travel as fast as 622 mph. Since Musk proposed the hyperloop concept in 2013, it has attracted a host of competitors who want to build versions connecting European cities. TransPod's version would rely on magnetic propulsion and electrified tracks. "Musk's concept is brilliant, but it's filled with errors," said TransPod CEO Sebastien Gendron. "We have a more modest, but also cheaper and regulation-oriented approach"

Home solar installations down for first time since 2000 Home solar panel installations declined last year for the first time since 2000, according to GTM Research. Residential solar had averaged nearly 50 percent annual growth from 2010 to 2016, but the number of megawatts put up in 2017 dropped by 15.6 percent, said the firm, which tracks renewable energy. Experts say a pullback from major solar companies like Tesla Inc.'s SolarCity and Vivint Solar Inc. is responsible. Companies were unable to maintain their breakneck pace and focused on profit over growth. SolarCity saw the largest decline. It ended door sales last year and cut customer acquisition efforts. Tesla wants to move from no-money-down leases to sales of panels. Industry insiders expect growth to return in 2018, but the Trump administration's tariffs on imported solar panels are expected to raise costs. And in 2021, a federal tax incentive of 30 percent of a new installation will expire.

## **INSIDE CLIMATE NEWS**

Pruitt Takes Clean Water Act Decisions Away from Regional EPA Offices The changes outlined in a leaked memo reduce the regional offices' leverage over projects like pipelines and mining that could damage streams and wetlands. Environmental Protection Agency Administrator Scott Pruitt, who has been methodically weakening air pollution rules over the past year, is now taking control of key decision-making on the protection of streams and wetlands from the agency's regional administrators, an internal memo shows. At issue is something known as "geographic jurisdiction," agency speak for which bodies of water do, or do not, fall under the Clean Water Act. Historically all waters, including major waterways, tributaries and wetlands were regulated under the Act. This broad jurisdiction was reaffirmed by the Waters of the U.S. rule in 2015. In the memo, Pruitt notified EPA staff that he would now be in charge of such decision-making. "Authority previously delegated to regional administrators to make final determinations of geographic jurisdiction shall be retained by the Administrator," Pruitt wrote to EPA employees on March 30. The memo was made public on Wednesday by Public Employees for Environmental Responsibility (PEER), a non-profit organization of government employees. Pruitt, who suspended the Waters of the U.S. rule (WOTUS) in January, has been clear about his plans to significantly reduce the scope of the Clean Water Act. The recent memo may be a first step toward that goal. "If Scott Pruitt's record over last year is any indication, the reason he is pulling this decision making away from the local EPA staff is so he can hand over a lot of our natural resources to polluting interests, which has been his M.O. since day one," said Dalal Aboulhossn, deputy legislative director for the Sierra Club. Pruitt, who has also drawn scrutiny and calls for his resignation in recent weeks over alleged ethics violations, wrote in the memo that the change was part of an ongoing effort to "restore regulatory certainty and promote the rule of law." "This memo explains that jurisdictional determinations that raise significant issues or technical difficulties should be handled in a consistent and uniform manner, particularly during the WOTUS rulemaking," EPA spokeswoman Liz Bowman said. "Regions will absolutely be involved in the process and work closely with the administrator's office when doing the work to assess jurisdiction for very select, and often rare, cases."...

## **REUTERS NEWS SERVICE**

Ethanol Groups Bristle As EPA Frees 25 Small Refineries From Biofuels Law NEW YORK (Reuters) - The U.S. Environmental Protection Agency has approved the request of 25 small refineries to be exempted from the nation's biofuels laws, an agency source said on Wednesday, marking a big increase from previous years and triggering an outcry from farm



groups worried the move will hurt ethanol demand...